

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14641 of Resurrection Baptist Church, pursuant to Section 3108.1 of the Zoning Regulations, for a special exception under Section 205 to establish a child development center for fifty children, ages 2 to 15 years, five staff, in an R-2 District at premises 3501 Martin Luther King Jr. Avenue, S.E., (Square 6070, Lot 47).

HEARING DATE: July 22, 1987

DECISION DATE: July 22, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 3501 Martin Luther King Jr. (M.L.K.) Avenue, S.E., is located at the southwest corner of the intersection of Martin Luther King Avenue, and Trenton Place. The site is located in the R-2 District.

2. The site is rectangular in shape with a frontage of 75 feet along Martin Luther King Avenue, and 132.03 feet along Trenton Place. A fifteen foot wide public alley is located to the rear of the site. The site is improved with a one story plus basement church occupied by the Resurrection Baptist Church. Eight parking spaces are located to the rear of the site.

3. The R-2 District extends to the north, west and south of the site. The immediate neighborhood area is characterized by single-family detached dwellings. An R-4 District is located to the east of the site. This R-4 District is developed primarily with row dwellings.

4. A Catholic Church with a child development center is located approximately 400 feet to the north of the site.

5. Pursuant to Sub-section 3108.1 and Section 205 of the Zoning Regulations the applicant is seeking a special exception to establish a child development center at the site.

6. The proposed center will accommodate 50 children ages two through 15. Staff will consist of a director/teacher, two teachers and two teachers aides.

7. On Sundays, regular worship service is held in the first floor sanctuary. Sunday school is held in the classrooms and multipurpose room in the basement. During the week, the

sanctuary is used in the evenings for prayer meetings Bible classes and choir rehearsals. The classrooms and multi-purpose room in the basement are not used during the week.

8. The proposed child development center will be located in the basement of the church.

9. The center's staff members will use two of the church's parking spaces and the church's mini bus will occupy a third. Five parking spaces will be available for parents to park in order to pickup and discharge children.

10. The mini bus will be used to pickup children from their schools or home and deliver them to the child development center or return them to their homes from the center.

11. The outdoor play area proposed to accommodate the children will be in the fenced in area adjacent to the church on the south. A door provides access to the play area directly from the church.

12. By memorandum dated July 20, 1987 the Office of Planning (OP) reported that it is of the opinion that the proposed center meets the test of the special exception. The Office of Planning recommended approval of the application provided the church plants evergreens all along its southern boundary line to shield its neighbor to the south from potential noise from the children using the outdoor play area. The Office of Planning further reported that the Service Facilities Regulation Administration of the Department of Consumer and Regulatory Affairs advised the Office of Planning that the applicant can meet all the requirements needed to establish a child development center for 50 children. Neighbors of the site submitted a petition to the record in support of the application.

13. Advisory Neighborhood Commission 8C submitted no report on the application.

14. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-section 3108.1 and Section 205 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

The center is capable of meeting all applicable code and licensing requirements. The center will create no

objectionable traffic condition and no unsafe condition for picking up and dropping off children. The center will provide sufficient off-street parking spaces. As conditioned below. The center shall be designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity or other objectionable conditions. No off-site play area will be provided. The cumulative effects of the center and the other child development center located within 1,000 feet of the site will not have an adverse impact on the neighborhood.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the conditions that the applicant shall provide evergreen landscaping along the southern boundary line of the lot and maintain such landscaping in a healthy growing condition.

Vote: 5-0 (John Parsons, Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 17 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Order14641/DEE2